

dh



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,058	10/28/2003	Sinikka Sarkkinen	061715-0411	3865
27433	7590	07/14/2006	EXAMINER	
FOLEY & LARDNER LLP 321 NORTH CLARK STREET SUITE 2800 CHICAGO, IL 60610-4764			MANOHARAN, MUTHUSWAMY GANAPATHY	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/694,058	SARKKINEN ET AL.	
	Examiner	Art Unit	
	Muthuswamy G. Manoharan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 10 is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, Applicant recites, "successful coupling". There is no mention of the coupling between the two information contexts and this renders the claim vague and indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by (3GPP TS 25-346, V1.1.0 (2002-5)) (hereinafter Ref. A).

Regarding claim 7, Ref. A teaches a serving device of a core network comprising: means for establishing a multicast/broadcast service context of a controlling

device of a radio access network (Section, 7.1.1, Figure 1, line 3), means for establishing a user equipment specific multicast/broadcast service context at a different time (Section 7.1.2; Figure 2); means for sending a list of respective locations of user equipment which desire to join the multicast/broadcast service (Section 7.1.1; lines 6-7); and means for the handling of an unsuccessful context information from the serving device of the core network(Section 7.1.4; Page 10, lines 9-10).

Regarding claim 8, Ref. A teaches a serving device of a radio access network, comprising means for determining a respective location of user equipment which desire to join a multicast/broadcast service by checking a respective list received from a serving device of a core network (Section 7.1.1, lines 5-7), means for sending a user equipment active list informing a controlling device of the radio access network about the respective number of user equipment which join respective multicast/broadcast services in question, wherein the active list includes, if applicable, also respectively joined user equipment within a cell controlled by another controlling device of the radio access network (Section 5.1.1, lines 2-4; **"list of U_TNTI and MBMS service ID corresponding to the SRNC or alternatively the MBMS service ID and the cell ID of the cells"**, in section 7.1.4); means for activating the multicast broadcast service in the serving device as an accepted service by the controlling device after receipt of information about a successful coupling (Ref. A, Figure 2; Section 7.1.2); means for informing the respectively joined user equipment about the multicast/broadcast service (Ref.A, Section 7.1.2, Figure 2); means for deciding whether the multicast/broadcast service can be served to user equipment by using the user equipment dedicated

specific channels after an unsuccessful coupling in the controlling device, and means for using received information about successful coupling when the Radio Resource Controlling (RRC) state for the user device is updating (Ref A, Section 5.1.1, lines 17-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over (3GPP TS 25-346, V1.1.0 (2002-5)) (hereinafter Ref. A) in view over Lin (US 2004/0203756).

Regarding claim 9, Ref A teaches a controlling device of a radio access network, comprising: means for selecting a channel type (Section 7.1.2; Figure 2 and Page 9, lines 1-6) for the connection of a multicast/broadcast service to respectively joined user equipment, means for informing a serving device of the radio access network about the selection (Section 7.1.2; Figure 2 and Page 9, lines 1-6), and means for informing the serving device of the radio access network about an unsuccessful coupling of the respectively joined user equipment to the multicast/broadcast service (Section 7.1.4; Page 10, lines 9-10).

Reference A did not teach expressly (it is not easy to check all the 3GPP documents. Examiner here assumed that this statement is true based on the section he referred) this means for receiving a user equipment active list informing the controlling device of the radio access network about the respective number of user equipment which join respective multicast/broadcast services, wherein the user equipment active list includes respectively joined user equipment within a cell controlled by another controlling device of the radio access network. However, Lin teaches in an analogous art, means for receiving a user equipment active list informing the controlling device of the radio access network about the respective number of user equipment which join respective multicast/broadcast services, wherein the user equipment active list includes respectively joined user equipment within a cell controlled by another controlling device of the radio access network (Abstract). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the means for receiving a user equipment active list informing the controlling device of the radio access network about the respective number of user equipment which join respective multicast/broadcast services, wherein the user equipment active list includes respectively joined user equipment within a cell controlled by another controlling device of the radio access network. This modification provides a multicast management for an efficient MBMS service.

Response to Arguments

Applicant's arguments filed on 05/01/2006 have been fully considered.

Regarding claim 7, Applicant argues (Page 16) that the Figure 1, for example, show a message flow between a core network and a controlling RNC but does not in anyway suggest or discuss a core network serving device. The functionality of the core network-serving device is well defined in 3GPP standard and also the applicant in the present invention is not trying to modify the functionality of the SGSN and CGSN. Also, SGSN and CGSN are part of the core network. They are only logical units with some functionalities attached and can be integrated into a single unit also. Therefore, it is inherent that the message flow between a core network and a controlling RNC teaches the above limitation of the message flow between the core network serving device and the controlling RNC.

Applicant argues that Figure 2 fails to suggest or show how user equipment specific MBMS service context and a CRNC MBMS service context can be established at different times. However, the claim 7, does not suggest that the user equipment specific MBMS service context and **a CRNC MBMS service context** can be established at different times. It only says a means for establishing user equipment specific MBMS service context at a different time and not a means for establishing user equipment specific MBMS service context at a different time from the controlling device multicast controlling device multicast/broadcast service context establishing procedure. Applicant is advised to modify the claim to overcome this rejection.

Applicant's arguments regarding claim 8, refer to the section 7.1.4 of the 3GPP (25.346) document for further clarification as mentioned in the rejection of the claim.

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 1-6, and 10 are allowed. Applicant recites (in claims 1-6 and 10), "establishing a user equipment specific multicast/broadcast service context by the serving device of the core network, wherein this establishing procedure is capable of being effected upon a different time from the controlling device multicast/broadcast service context establishing procedure". Examiner fails to find a prior art to overcome the above limitations of the stated claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER